



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**DISSENTING OPINION IN ADVISORY OPINION 1983-19**

of

**COMMISSIONERS THOMAS E. HARRIS and DANNY L. McDONALD**

**Section 441e of Title 26, United States Code, makes it unlawful for a foreign national directly or through any other person to make any contribution...in connection with an election to any political office. . .)." A majority of the Commissioners today reads 441e to permit a corporation that is half-owned by foreign corporations or their subsidiaries to set up a political fund which will make contributions to candidates. The fact that the corporation nominally establishing the political fund is incorporated in New York does not justify this result, or the statute proscribes foreign national contributions "through any other person."**

**Nor is it sufficient for the majority to qualify its holding with "its understanding that no foreign national will play any decision-making role in, or exercise any control over, the proposed separate segregated fund." With 50% ownership in the joint venture corporation the employees of which will constitute the governing "Contribution Committee," it is more likely that the foreign corporations will play a decision-making role and exercise some control over the political fund.**

**We dissent from what we perceive to be an invitation for statutory evasion. See Dissenting Opinions in Advisory Opinions 1982-10, 1981-36, 1980-100, and 1978-21.**